

which is exhibited as a part of the bill, and died in February 1810; that the plaintiff had intended, by her last will, to make some sufficient provision for the defendant, the nature of which is thus described. After some specific legacies to the plaintiff's children and grand-children, to give the defendant an estate for life in her real property, the residue of her personal estate, and a remainder in the real estate to the defendant's children should she have any; and in the event of failure of issue lawfully begotten, then to the other children of the plaintiff to be equally divided among them. That the defendant being wholly dissatisfied with such a provision, and insisting on an unconditional absolute estate in the whole, the plaintiff then openly avowed her determination to make no will; to die intestate, and to leave her property to pass and be distributed according to law. The defendant admits these facts; but alleges and insists, that four of her sisters having been amply provided for by the late *Thomas C. Deye* their uncle, the plaintiff promised the late *John C. Owings* the defendant's father, that she would give her estate to the defendant. In consequence of which, and in confident reliance upon that promise, her father made his will, in the manner he did, leaving the defendant nothing more than a mere token of his affectionate recollection. And the defendant avers, that the deed of the 15th of June 1824 was made with a view to and in fulfilment of that promise.

From the proofs it appears, that *John C. Owings* and the plaintiff his wife during their marriage had eight children, who survived him; and that he had a large estate consisting of real and personal property within this State and elsewhere; that his uncle the late *Thomas C. Deye*, was seized of a considerable real estate, which by his last will he devised to four of the daughters of his nephew *John C. Owings*, each of whose share contained from four hundred and fifty to six hundred acres of land, the least of which was estimated as worth about \$16,000; that *John C. Owings*, the late husband of the plaintiff, by his will, and otherwise, gave the whole of his real and personal estate to his two sons *Thomas D. Owings* and *John C. Owings*; except some personalty, which he gave to his wife, and some other property, which he gave to his daughters in payment of a debt he owed them. The property he gave to his son *Thomas* is said to have sold for \$20,000.

In his will the late *John C. Owings*, the father of the defendant, says—"I give to my daughter *Charlotte Deye Owings* a family Bible and a spinning wheel as a token of my affection, it being my